

## ***REMARKS***

The present Amendment is in response to the Office Action dated March 3, 2003 in reference to the above-identified application. The Examiner set a shortened statutory period for reply of three (3) months, making the present Amendment due by July 3, 2003. Filed concurrently herewith is a request for a three-month extension of time so that the present Amendment is due by October 3, 2003.

At the outset, Applicant notes for the Examiner's attention that an error was noticed in the second paragraph beginning on page 16 and continuing onto page 17. Appropriate correction to that paragraph was made as noted above, and it is respectfully requested that this amendment be entered.

In the Office Action, claims 1-35 were pending. In the Office action, claims 1-11, 13-15 and 17-35 are rejected while claims 12 and 16 are objected to. More specifically, claims 1-2, 6-11, 13-15, 17-20, 22-27 29-31 and 35 are rejected under 35 U.S.C § 102(e) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 6,156,186 to Mueller et al. Additionally, claims 1, 8, 23, 26-29 and 30-34 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Mueller in view of U.S. Patent No. 5,733,431 to Green et al. The Examiner has also rejected claims 1-7 under 35 U.S.C. § 103(a) as being unpatentable over Mueller et al. in view of applicant's page 2, lines 1-8 of the present application.

Applicant notes with appreciation that the Examiner indicated that claims 12 and 16 would be allowable if rewritten in independent form. Accordingly, new

claims 36 and 37 have been added to the application, which are essentially rewritten claims 12 and 16, respectively. As a result of the addition of these new independent claims, claims 10-12 and 16 have been cancelled. It is believed that new claims 36 and 37 are in condition for allowance.

Pursuant to 37 C.F.R. § 1.131, Applicant submits herewith a showing of facts relating to those claims which have been rejected over Mueller et al., taken either alone or in combination with other art, as set forth by the Examiner in sections 4, 5, and 6 of the office action. The Examiner will note that Mueller et al. has a filing date of October 30, 1998 and claims priority through eight (8) provisional applications as listed below:

1. App. No. 60/064,284 – filed October 30, 1997
2. App. No. 60/064,279 – filed October 30, 1997
3. App. No. 60/077,428 – filed March 9, 1998
4. App. No. 60/077,878 – filed March 13, 1998
5. App. No. 60/099,717 – filed September 10, 1998
6. App. No. 60/100,494 – filed September 16, 1998
7. App. No. 60/100,497 – filed September 16, 1998
8. App. No. 60/100,510 – filed September 16, 1998

Applicant has provided a showing of facts in the form of the declaration by the inventor, Juzer Jangbarwala, which is supported by two drawings dated February 22, 1998 and May 29, 1998 respectively, and the supporting declaration of Mr. Norman Volle, to prove invention of the subject matter disclosed and claimed in the present patent application in the United States prior to the effective date of Mueller et al. with respect to at least that subject matter disclosed in the provisional applications identified as numbers 3 through 8, above.

More specifically, Mr. Jangbarwala declares that he conceived of using a nanofilter in order to improve the efficiency of a conventional electrowinning cell sometime in February 1998 and at least by February 22, 1998. This is evidenced by the diagram dated February 22, 1998, which is attached as Exhibit A to his declaration and discussed in paragraph 15 of his declaration and the supporting declaration of Mr. Volle. Clearly, the showing of facts establishes that Mr. Jangbarwala had more than a vague idea of how utilize an electrowinning cell in conjunction with a nanofilter with a goal toward making the electrowinning process more efficient.

After contemplating the use of a nanofilter in conjunction with an electrowinning unit, Mr. Jangbarwala diligently began to reduce his invention to practice between March and May of 1998. Particularly, as stated in his declaration, he engaged in extensive research of nanofiltration technology to satisfy himself that he could build a recycling unit that would meet the needs of Packard Hughes.

Ultimately, Mr. Jangbarwala arrived at the conclusion that utilizing a nanofilter in conjunction with an electrowinning cell would indeed increase the efficiency of the electrowinning cell and could be used as a component of the recycling system that would meet the needs of his customer, Packard Hughes. Accordingly, he designed a recycling system, and completed a CAD drawing of that system by May 29, 1998, which was later proposed to Packard Hughes. Clearly, then, Mr. Jangbarwala reduced to practice his invention sometime before

May 29, 1998 because he was confident enough in his invention as to propose such an elaborate system to his customer.

The statements contained in the declarations of both Mr. Jangbarwala and Mr. Volle support a conception of various features of the invention disclosed and claimed in the present application sometime in February 1998. Furthermore, both declarations support a diligent reduction to practice of various features of the invention disclosed and claimed in the present application by May 29, 1998. Accordingly, in light of these 37 C.F.R. § 1.131 declarations, Applicant believes that all claims of the present application, which were rejected over Mueller et al., taken either alone or in combination with other references, are allowable. That is, it is believed that claims 1-9, 13-15, and 17-35 are allowable over the Mueller et al. reference.

Due to this Amendment, a new filing fee calculation is provided, as follows:

Maximum Total Claims This Amendment	Total Claims Previously Paid For	
33	-	35 = \$0.00
Total Independent Claims Per This Amendment	Maximum Independent Claims Previously Paid For	
8	-	6 = 2 x \$43.00 = \$86.00
		Additional Filing Fee Due \$86.00

Accordingly, our check no. 18035 in the amount of \$86.00 is enclosed. The Commissioner is hereby authorized to charge any deficiency in the payment of the required fee(s) or credit any overpayment to Deposit Account No. 13-1940.

Based on the foregoing, Applicants submit that the present application is in complete condition for allowance, and action to that end is courteously solicited. If any issues remain to be resolved prior to the granting of this application, the Examiner is requested to contact the undersigned attorney for the Applicant at the telephone number listed below.

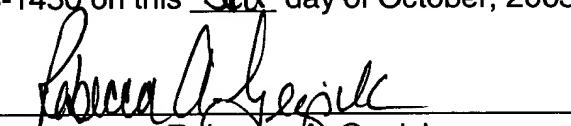
Respectfully submitted,

**TIMOTHY J. MARTIN, P.C.**

By:   
Timothy J. Martin, #28,640  
Michael R. Henson, #39,222  
Rebecca A. Gegick, #51,724  
9250 West 5<sup>th</sup> Avenue, Suite 200  
Lakewood, Colorado 80226  
(303) 232-3388

**CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8**

I hereby certify that the foregoing **AMENDMENT (17 pages), including Declaration of Juzer Jangbarwala and attached Exhibits A-C, CHECK NO. 18035 IN THE AMOUNT OF \$86.00 and Request for a 3-month Extension of Time (2 pages) and Check No. 18032 in the amount of \$475.00** is being deposited with the United States Postal Service as first-class mail in an envelope addressed to Mail Stop Fee Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 3rd day of October, 2003.

  
Rebecca A. Gegick